

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NIHAL ERKAN, on behalf of herself and all  
Others similarly situated,

Docket No. 23-cv-09553

Plaintiffs,

-against-

**NOTICE OF MOTION**

DAVID A. HIDALGO, M.D., P.C.,

Defendant.

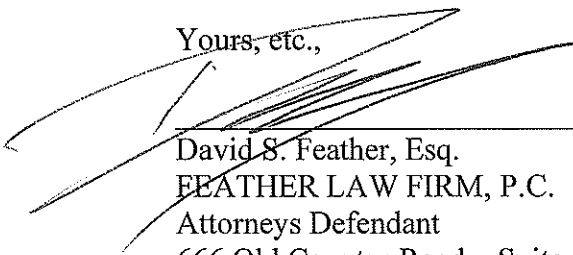
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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated July 15, 2024, the Affidavit of Brandon Shaw, sworn to on July 12, 2024, the Affidavit of David A. Hidalgo, M.D., sworn to on July 11, 2024, and the Affirmation of David S. Feather, dated July 15, 2024, along with all exhibits annexed thereto, and all pleadings, papers, and proceedings filed in this action, Defendant will move this Court before the Honorable District Court Judge Frederick Block at the U.S. Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201, on a date and time to be designated by the Court, for an Order pursuant to the Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) dismissing the First Amended Complaint in its entirety, and for such other and further relief as the Court deems just and proper.

As per the Parties' Agreement, Plaintiff's opposition papers, if any, shall be served upon the undersigned on or before August 19, 2024.

Dated: Garden City, New York  
July 15, 2024

Yours, etc.,



David S. Feather, Esq.  
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(929) 324-0717

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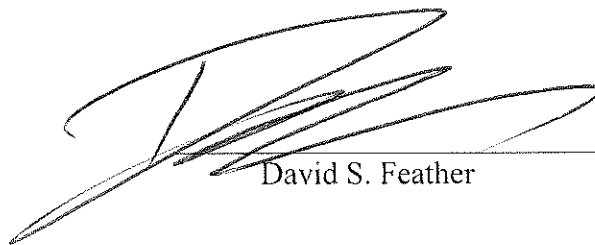
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*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.*

*Dated: July 15, 2024*



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David S. Feather